

CITY COUNCIL

Committee of the Whole

Monday, November 19, 2012

Council Office

4:30 pm

Agenda

Although Council committee meetings are open to the public, public comment is not permitted at Council Committee of the Whole meetings. However, citizens are encouraged to attend and observe the meetings. Comment from citizens or professionals during the meeting may be solicited on agenda topics via invitation by the President of Council.

All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No.27-2012

I. 2013 Position Ordinance and Remaining Budget Issues

II. 2013 CDBG Action Plan Amendments

III. Agenda Review



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
October 22, 2012
5:00 P.M.

COUNCIL MEMBERS PRESENT:

D. Sterner, R. Corcoran, S. Marmarou, D. Reed, M. Goodman-Hinnershitz

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, C. Snyder, L. Murin, J. Miravich, W. Frymoyer, M. Colon, V. Spencer, D. Miller, C. Younger, Y. Colon

The Committee of the Whole meeting was called to order at 5:10 pm by Council Vice President Goodman-Hinnershitz.

I. Waste Water Treatment Plant

Mr. Miravich stated that the first reading of an ordinance approving the Intergovernmental Municipal Agreement (IMA) with Muhlenberg Township regarding the waste water treatment plant will occur this evening. He stated that there are no changes to the agreement since Council's last update.

Mr. Miravich stated that Muhlenberg Township represents 30% of the plant use and is the largest user of the plant outside the City. He stated that Muhlenberg Township has nine connections to the sewer system.

Mr. Miravich stated that along with the City's 46% usage, approving this Agreement brings 76% of usage under agreement. He noted his hope that other municipalities will begin approving their IMAs. He explained that Spring and Cumru Townships are also large users. He noted his hope that all IMAs be approved by the end of 2012. He noted the need for significant internal controls until all users are under the new IMAs.

Mr. Waltman arrived at this time.

Ms. Goodman-Hinnershitz commended Mr. Miravich on this enormous job. Mr. Miravich stated that generally new IMAs are only signed when a new plant is being constructed or a large addition of capacity is needed.

Ms. Goodman-Hinnershitz noted her hope that these negotiations set the stage for future cooperation between the municipalities.

Mr. Marmarou thanked Mr. Miravich for his periodic updates.

Ms. Snyder stated that as she is speaking with other municipality representatives they indicate that they have a great deal of faith in Ralph Johnson and that they are developing trust in the City.

Mr. Miravich stated that Muhlenberg, Spring and Cumru are auditing the system. He stated that Mr. Johnson has been addressing the issues and answering their questions. He stated that this is bringing further openness between the municipalities.

Mr. Waltman thanked Mr. Miravich for his work. He noted that he has been disgruntled with the process stipulated by the consent decree. He stated that the \$3 million cap has hurt the City and suggested that other possible alternates be considered in the future. He commended the work of Mr. Johnson.

Mr. Miravich stated that Council approved the results of the Act 537 study at its last meeting. He stated that the State is currently reviewing the results and that the Department of Justice has already approved the smaller plant. He stated that there has been major movement on the project in the last several weeks.

Mr. Spencer stated that he also wanted to recognize Ms. Snyder and the many others involved in the project. He stated that Mr. Vind has also played a key role.

Ms. Goodman-Hinnershitz stated that the agenda notes that the ordinance will be distributed on Monday. She requested a copy. Ms. Kelleher explained that Mr. Miravich provided the documents prior to the printing of the agenda packet and it is included.

Ms. Goodman-Hinnershitz requested that Mr. Miravich attend the voting meeting to explain the Agreement to the public. Mr. Miravich agreed.

II. Water Meter Tampering Issue

Ms. Goodman-Hinnershitz stated that she has received a considerable number of complaints about residents being fined for tampered meters. She stated that the fine is \$500 and that the appeal process is unclear.

Mr. Miller stated that RAWA has adopted an aggressive inspection schedule. He stated that RAWA believes that many meters are tampered to decrease flow and decrease water costs. He stated that this also affects the City's sewer revenue as it is a percentage of water cost.

Mr. Acosta arrived at this time.

Mr. Miller stated that RAWA established rules and regulations regarding tampered meters in 1994. He stated that the owner is responsible for the replacement expenses.

Mr. Miller explained that he has met with the County regarding Sheriff Sale properties. He stated that RAWA was interested in having an opportunity to examine the meter before sale but that no one is able to enter the property to inspect it prior to sale. He stated that the meters on these properties are generally compromised.

Mr. Miller explained that the \$500 fee is to reimburse RAWA for the cost of the meter and the manpower to perform the replacement. He stated that the appeal process is explained on the RAWA website along with the complaint form.

Mr. Miller stated that RAWA takes photos of tampered meters before their replacement. He stated that these photos are reviewed when complaints and/or appeals are filed and if the photo shows blatant damage the appeal is denied.

Ms. Goodman-Hinnershitz stated that the homeowners quickly go into arrears trying to pay the \$500 fee along with all their other obligations. She stated that this reflects poorly on the City.

Mr. Marmarou questioned if the majority of the tampered meters were at rental properties or owner occupied properties. Mr. Miller stated that he would need to analyze the data to determine this information.

Mr. Bembenick arrived at this time.

Mr. Marmarou requested Mr. Miller look for patterns regarding rentals and owners.

Mr. Waltman questioned the cost of replacement. Mr. Miller stated that the current cost is \$230 per meter plus labor.

Mr. Waltman questioned if the \$500 was due immediately or could be paid monthly. Mr. Miller stated that it is due immediately.

Mr. Waltman questioned if RAWA considers the owner's ability to pay. Mr. Miller stated that the review panel may relieve some of the entire cost, some partial cost and others to pay monthly.

Mr. Waltman stated that anyone sent to collection also gets an additional 25% fee.

Mr. Corcoran stated that those who fall behind and try to pay extra monthly to catch up never really do because of the collection fees added. He stated that residents have indicated to him that RAWA is not responsive to their needs.

Ms. Snyder questioned if RAWA had a fund for those unable to pay which is funded by those able to pay. She stated that many utilities have this type of fund for those in need. Mr. Miller stated that RAWA is in the process of establishing such a fund. He stated that Mr. Lloyd is exploring the methods used by other utilities and that RAWA hopes to have the fund established by the end of the year.

Mr. Waltman questioned how many meters are replaced. Mr. Miller stated that this is a large problem and that approximately 600 are replaced each year out of 29,000 properties.

Ms. Goodman-Hinnershitz stated that many City residents are on fixed incomes and suggested that RAWA allow the fee to be paid monthly.

Ms. Kelleher stated that while reviewing information for blighted properties, she noticed that collection information is inconsistent. She questioned RAWA's process. Mr. Miller stated that the amount must be more than \$1000 and older than six months before a lien is placed against the property for water fees. He stated that RAWA collects some accounts and an agency collects others.

III. Presentation by United Way Committee

Mr. Frymoyer stated that the City's goal has been exceeded as contributions are above estimates. He stated that he has been involved on the Committee for 7 – 8 years and have used agencies supported by the United Way. He encouraged Council to participate. He suggested that they visit www.uwberks.org to view a video about the United Way.

Ms. Colon stated that she has been assisted by the Salvation Army in the past.

Mr. Frymoyer distributed the giving incentives and Council's packets.

Mr. Colon stated that the City should be proud of its team. He stated that the City team is very successful.

Mr. Spencer stated that he and Ms. Snyder have given at the leadership level and encouraged others to follow their example. Mr. Colon explained that there is a leadership match available which matches leadership level giving dollar for dollar.

Ms. Goodman-Hinnershitz stated that many United Way services are very helpful and are an excellent safety net for residents.

Mr. Waltman stated that he has received benefits from many agencies as a child. He stated that they do make a big difference in the lives of residents.

Mr. Frymoyer thanked Council for the opportunity to speak.

IV. Executive Session

Mr. Acosta stated that Council would be entering executive session to discuss litigation as per Sunshine Act Section 708 Executive Sessions (a) (4).

Council entered executive session at 5:44 pm and exited at 6:44 pm.

V. Agenda Review

Ms. Katzenmoyer stated that the Business Analyst requested an ordinance be added for introduction that would allow the Administration to begin an amnesty program for the collection of housing fees and quality of life tickets.

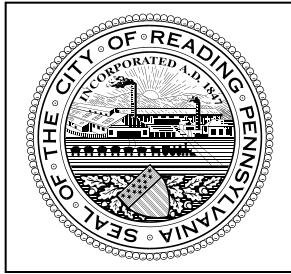
Council reviewed this evening's agenda including the following:

- Ordinance setting the 2013 property tax rate

Ms. Goodman-Hinnershitz questioned the tax rate. Ms. Kelleher stated that the ordinance is attached to the agenda. Ms. Katzenmoyer stated that the tax rate is included in the ordinance.

The Committee of the Whole meeting adjourned at 6:55 pm.

*Respectfully Submitted by
Linda A. Kelleher, CMC, City Clerk*



COMMITTEE of the WHOLE

CITY COUNCIL

MINUTES
November 13, 2012
4:30 P.M.

COUNCIL MEMBERS PRESENT:

D. Sterner, R. Corcoran, S. Marmarou, D. Reed, M. Goodman-Hinnershitz

OTHERS PRESENT:

L. Kelleher, S. Katzenmoyer, D. Wright

The Committee of the Whole meeting was called to order at 4:33 pm by Council Vice President Goodman-Hinnershitz.

I. CDBG Action Plan

Mr. Wright stated that Council must adopt the CDBG Action Plan annually. He stated that HUD requires submission of the Action Plan by November 15. He thanked Council for holding a special meeting this evening to address the Action Plan.

Mr. Wright stated that Mr. Agudo reviewed the Action Plan with Council several weeks ago. He stated that no public comments have been received.

Mr. Cituk and Mr. Zale arrived at this time.

Mr. Waltman joined the meeting via speaker phone at this time.

Mr. Wright stated that the Action Plan can be amended after its adoption. He recommended adopting the Action Plan as presented to meet the HUD deadline and making amendments as necessary afterwards.

Ms. Reed questioned if amendments were not made this evening, if the recommendations made by Council would be ignored. Mr. Wright suggested that language be added stated that Council will make amendments shortly.

Mr. Bembenick arrived at this time.

Ms. Reed questioned if Council moves forward this evening if their recommendations would be honored.

Ms. Goodman-Hinnershitz suggested that this issue be discussed when the solicitor arrives.

Ms. Goodman-Hinnershitz stated that the HUD deadline must be met. She stated that this Action Plan makes allocations to outside agencies and these agencies must not be lead to believe that the funding will be available. She questioned when funds are received. Mr. Wright stated that generally funds are not received until April. He stated that agency expectations must be addressed.

Mr. Waltman stated that generally the Action Plan is not amended unless there is no follow through on projects and/or unprogrammed funds are identified.

Mr. Bembenick stated that the Administration is committed to answering questions this evening and to discussing proposed amendments after returning from their trip to Detroit. He noted the need to meet the deadline imposed by HUD.

Ms. Goodman-Hinnershitz noted her understanding of Mr. Waltman's comments but stated that amendments need to be made shortly after adopting the Action Plan. She stated that the amendments can be addressed when the Managing Director returns from Detroit.

Mr. Bembenick suggested that Council adopt the Action Plan as written this evening and that the amendments be discussed at next week's Committee of the Whole.

Mr. Marmarou noted the need for the solicitor to be present. Ms. Reed agreed.

Ms. Kelleher stated that past Councils have amended the Action Plan at the meeting at which it was adopted.

Ms. Goodman-Hinnershitz noted her concern with the removal of funding to Olivet Boys and Girls Club. She noted the need to return some level of funding.

Mr. Younger joined the meeting via speaker phone.

Ms. Goodman-Hinnershitz questioned Council's ability to amend the Action Plan this evening. Mr. Younger stated that if the amendments are significant they cannot be adopted this evening as re-advertising may be required.

Ms. Reed questioned what was significant.

Mr. Wright explained that the public service category is capped. He stated that there is tight funding and the Administration must prioritize funding for City needs before deciding which outside agencies are funded and at what level. He stated that this funding is very competitive.

Mr. Younger arrived at this time.

Mr. Sterner suggested adding language that Council will be making amendments at a later date. He expressed his belief that Council is in no position to make amendments this evening. He suggested including a timeline for amendments.

Ms. Goodman-Hinnershitz noted the need for the Administration to hear Council's concerns. She suggested that the Action Plan be adopted as written this evening and amended as quickly as possible. Mr. Younger agreed with this approach as the HUD deadline must be met. He stated that this would allow Council to continue to discuss and amend the Action Plan.

Ms. Reed suggested adding amendment language to the resolution. Mr. Younger stated that it would be difficult to add amendment language without specific information. Ms. Goodman-Hinnershitz suggesting add a clause that Council reserves the right to make amendments.

Mr. Sterner stated that any legislation can be amended. Mr. Wright stated that HUD understands Council's right to make amendments.

Mr. Waltman arrived at this time.

Ms. Goodman-Hinnershitz questioned the need to have Council's concerns on the record. Mr. Younger stated that the language contained in the resolutions is fine as is.

Mr. Waltman questioned what makes this Action Plan different from Action Plans of past years. Ms. Goodman-Hinnershitz stated that in the past Council had time for more in-depth review and to propose amendments before adoption.

Mr. Waltman questioned specifically what Ms. Goodman-Hinnershitz's concern was. Ms. Goodman-Hinnershitz stated that it is the removal of funding to Olivet.

Mr. Waltman stated that reprogramming funding to Olivet would mean removing funding from another agency. He noted that this would create confusion for agencies. He suggested using unprogrammed funds for Olivet as they are found. He questioned the current amount of unprogrammed funds. Mr. Wright stated that he was unsure but that Community Development has been working hard to keep project managers accountable to spending deadlines. He noted his willingness to present this information to Council once he can perform a review.

Ms. Reed questioned Ms. Goodman-Hinnershitz's funding level for Olivet. Ms. Goodman-Hinnershitz suggested reducing the 2012 funding amount by 20%. Mr. Cituk stated that Olivet received \$38,819 in 2012. (*Note: minus the 20%, the 2013 funding level would be \$31,056*). He suggested that Council adopt the resolution as written this evening and hear a presentation from Mr. Wright about unprogrammed funds available before considering amendments.

Ms. Reed stated that she is opposed to funding BCTV. She stated that the City should not be funding news agencies. She stated that she has heard complaints about BCTV's quality (sound, lighting, etc), the coverage by the MAC Channel, and repeating very old programs. She stated that this does not seem to be a valuable way for the City to spend CDBG funds when other agencies have a greater need. She noted her concern that the City is giving too much support to BCTV.

Mr. Marmarou disagreed with Ms. Reed. He noted that BCTV is a tremendous asset to the County. He stated that for shut-ins, this programming is very helpful as it keeps citizens fully involved in the community.

Mr. Waltman stated that the funding is to assist BCTV to televise City meetings. He suggested that Council meet with BCTV representatives in 2013 to address the quality issues. He suggested that Community Development review the availability of unprogrammed funds to restore funding to Olive as able. He noted the need for Council not to operate in a vacuum.

Ms. Goodman-Hinnershitz noted the need for Council to vote on this item this evening.

II. Agenda Review

Council reviewed this evening's agenda including the following:

- Contract approving the purchase of recycling trucks

Mr. Bembenick reminded Council that Mr. Denbowski reviewed the recycling truck information with them several months ago. He stated that the funding of the trucks is a monthly lease payment for five years.

Mr. Sterner questioned the other contract for recycling trucks. Mr. Younger stated that this is a topic which would need to be discussed in executive session.

Mr. Bembenick stated that this new contract gets the City back to its original position.

Mr. Waltman questioned if it was advisable for Council to approve this contract award. Mr. Younger stated that it was.

- Ordinance amending the Recovery Plan

Mr. Younger stated that he is drafting the ordinance. He stated that it will be a simple ordinance amending the Recovery Plan to allow for the increase in resident and non-resident earned income tax rates.

Ms. Goodman-Hinnershitz stated that this ordinance will be introduced this evening and that there will be further discussion before final passage.

The Committee of the Whole meeting adjourned at 5:01 pm.

*Respectfully Submitted by
Linda A. Kelleher, CMC, City Clerk*